

David B. Markowitz

Shareholder

Biography

In addition to his active trial schedule, Dave shares his craft with lawyers of all levels. He is a frequent lecturer on litigation-related topics for the Oregon State Bar, the Federal Bar Association and the Multnomah Bar Association. He regularly presents a nationally-recognized training seminar on depositions.

Dave is recognized in *The Best Lawyers in America* for "Bet-the-Company Litigation," is a fellow of the American College of Trial Lawyers, is a member of the American Board of Trial Advocates, and was listed as one of the Top Ten Oregon Litigators by the *National Law Journal*. He was recognized by *Chambers USA* as one of the two top commercial litigators in Oregon, and he is included in Lawdragon's *500 Leading Litigators in America* and *500 Leading Plaintiffs' Lawyers in America*.

In a statewide survey identifying the top five percent of attorneys, Dave earned more points than any other attorney in Oregon, as seen in the November 2007 issue of *Oregon Super Lawyers*. *Oregon Business* magazine, in their 2007 Power Book, recognized Dave for "Delivering Results," naming him one of 50 Great Leaders in Oregon.

Dave frequently acts as a mediator and arbitrator to resolve commercial disputes, and he served as a pro-tem judge in Multnomah County for several years. He also is an expert on attorney fees, providing courtroom testimony in legal fee award disputes.

Dave graduated from California State Polytechnic University in 1971, and from the University of the Pacific McGeorge School of Law in 1974, where he was legislation editor of the *Pacific Law Journal*. He was admitted to the Oregon State Bar in 1974 and for eight years thereafter practiced general civil litigation with an established Portland firm. In January, 1983, he and Barrie J. Herbold formed Markowitz & Herbold, the predecessor of Markowitz, Herbold, Glade & Mehlhaf.

Professional Experience and Affiliations

- Fellow, American College of Trial Lawyers
- Member, American Board of Trial Advocates
- President, Owen M. Panner American Inn of Court, 1991-2; Master of the Inn
- Member, Multnomah County Bar Association Board of Directors, 1990-4

Education

University of the Pacific McGeorge School of Law — J.D., with great distinction, 1974
California State Polytechnic University — B.S., 1971

Related Articles

11/1/2006 Vexing Questions: Deposing Percipient "Experts" in Oregon
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8/1/2000 Federal Deposition Practice: New Time Limits
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1/1/1999 Reading, Correcting, and Signing Deposition Transcripts
1/1/1999 Defending Depositions
1/1/1999 Reopening Depositions
1/1/1999 Appropriate Conduct in Protecting a Client During Deposition
1/1/1999 Depositions: Who Goes First?
1/1/1999 Depositions of Out-of-state Parties

Related News

11/21/2007 Oregon Super Lawyers Names David Markowitz Top Attorney in Oregon
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9/4/2007 Four Markowitz, Herbold, Glade & Mehlhaf Attorneys Honored in *The Best Lawyers in America*
6/15/2007 Markowitz, Herbold, Glade & Mehlhaf Ranked First for Litigation in Oregon
1/31/2007 Markowitz Recognized as One of the Nation's Top Plaintiffs' Lawyers
12/11/2006 Oregon State Bar Honors Markowitz, Herbold, Glade & Mehlhaf Attorneys for Volunteer Service, Leadership
12/1/2006 Oregon Business Magazine Names David Markowitz One of 50 Great Leaders
11/20/2006 Five Markowitz, Herbold, Glade & Mehlhaf Attorneys Named *Super Lawyers*
11/1/2006 Markowitz, Herbold, Glade & Mehlhaf and Friends Raise \$45,000 for St. Andrew Legal Clinic
10/4/2006 Four Markowitz, Herbold, Glade & Mehlhaf Attorneys Named *The Best Lawyers in America*
8/1/2006 David Markowitz Quoted in the *Portland Business Journal*
6/13/2006 Clients and Peers Rank Markowitz, Herbold, Glade & Mehlhaf First in Oregon for Commercial Litigation
4/21/2006 David Markowitz Honored with Mentor Award at *Commerce Magazine* Rainmakers Event
3/16/2006 David Markowitz Selected as a Finalist for Rainmaker Awards
9/1/2005 *The Best Lawyers in America*® Includes Three from Markowitz, Herbold, Glade & Mehlhaf
5/1/2005 *Chambers USA* Ranks Markowitz, Herbold, Glade & Mehlhaf First in Oregon for Commercial Litigation

Representative Publications

Dave regularly publishes in the Oregon State Bar's *Litigation Journal*.

Admitted to Practice

Oregon (1974)

U.S. District Court, District of Oregon

U.S. Court of Appeals, Ninth Circuit

U.S. Supreme Court

**Summary of Attorney Fee Rate Awards
USDC Oregon 2006 - 2008**

Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Donald Ashmanskas	7/00/2006	MW Builders, Inc., et al. v. Safeco Insurance Company of America, et al.				
Approved by Haggerty		CV 02-1578-AS	\$275.00	Lory Lybeck		1983
				\$150.00	Assoc	
					\$95.00	Paralegals
Lee R. West	7/16/2007	Copyright Infringement Case in Oklahoma	\$175.00			1984
		Capitol Records v Debbie Foster				
		CV 04-1569-W				
		(Reduced fees for excessive billing and unsuccessful claims - Recovered \$61,576.50)				
Ancer Haggerty	2/6/2006	Debt Collection Act Violation	\$275.00	Leonard Duboff		1977
From Janice Stewart		Duboff v. Rentcollect Corp		\$175.00	Abby Michaels	2001
		CV 05-407-ST				
Michael Mosman	2/6/2006	Debt Collection Act Violation	\$300.00	David Axelrod		1975
		Sohail Masood v. Capital Credit & Collection	\$235.00	Todd Grewe		1996
		CV-05-490-MM		\$160.00	Miller	
					\$110.00	Paralegal
					\$75.00	Staff
Anna Brown	3/6/2006	Fair Debt Collection Action Violation	\$250.00	William Goode		1984
		Kindra Clark v. Quick Collect				
		04-CV-1120-BR				
		(No objection to rate awarded lump sum after reducing for various reasons)				
Ancer Haggerty	3/8/2006	Job (Sex) Discrimination	\$250.00	Danielle Snyder		1973
		Lampert v. Clackamas County	\$225.00	Holly Lloyd		1994
		CV 03-828-HA		\$200.00	Donald Bourgeois	1972
				\$175.00	Oldham	
					\$90.00	Paralegal

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USDC Oregon 2006 - 2008**

Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Anna Brown	3/21/2006	Fees for improper removal to state court	\$253.00	Charles Siegel		1985*
		Fredrickson v. Consolidated Supply	\$239.00	Thomas Powers		1998
		05-CV-1704-BR		\$169.00		2001*
Michael Mosman	3/28/2006	ERISA				
		Oregon Laborers-Employers Health & Welfare v. Milne Masonry	\$175.00	Charles Colett		1979
		CV 05-1445-MO (Granted in Full)			\$60.00	Paralegal
John Jelderks	3/30/2006	UTPA				
		Allen v. Delrich Properties, et al.	\$190.00	William Ohle		1991
		05-462-JE (Rate reasonable, amount excessive)				
Garr King	4/17/2006	Employment	\$250.00	Steven Wilker		1991
		Lanier v. City of Woodburn, et. al.		\$180.00	Paul Conable	1997
		04-1865-KI (Awarded full amount no objections to rate)				
Anna Brown	6/9/2006	Malpractice - Breach of Fiduciary Duty - Racketeering	\$276.00	Alex Proust		1991
		McAleese et al. v. Dean Kalivas (attorney)	\$276.00	Donald Krahmer		1988
		CV-03-865-BR	\$276.00	Mark Stayer		1985
		(Awarded 115,802.62 + costs)	\$300.00	Gary Roberts		1974
		Recovery in case was \$4,010,050.50	\$300.00	Marc Sellers		1979
			\$300.00	Jan Kitchel		1978
				\$202.00	Assoc	1998-2002
				\$166.00	Assoc	2000
				\$158.00	Assoc	2003-2006

**Summary of Attorney Fee Rate Awards
USDC Oregon 2006 - 2008**

Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Anna Brown	7/7/2006	FMLA Claim	\$275.00		Only mentions rates	
		Farrell v. Tri-Met CV 04-296-PA (Declined multiplier, 35% reduction for lack of results obtained - doesn't list specific rates - apportionment of fees due to success on certain claims reduced 20%) Awarded \$42,163.00 + costs		\$100.00		
Garr King	7/31/2006	Arbitration	\$150.00		No attys listed	
		Metalmark Northwest v Stewart, et al CV 04-468-KI		\$150.00	Reduced from \$275 \$75.00	Paralegal
Garr King	8/7/2006	FOIA (fee stds are different) Oregon Natural Desert Ass'n v Gutierrez, Sec of US Dept Commerce, NOAA Fisheries and Natl Marine Fisheries Serv (Apportionment of fees for unsuccessful claims discussed reduced by 15%)	\$210.00 \$190.00	Peter Lacy Peter Lacy	\$95.00	Law clerk
Garr King	9/28/2006	Section 1983 Civil Rights Turner v State of Oregon CV 04-276-KI (Based on contingent fee estimate of hrs - no time records kept - awarded \$101,100)	\$337.00	Charles Merten Requested \$400		1963
Dennis Hubel	11/13/2006	Title VII pregnancy discrimination claim Dunn v. CSK Auto, Inc. CV 05-116-HU	\$225.00 \$205.00	Craig Crispin Charese Rohny and others	\$90.00 \$40.00	1982 1995 Paralegal Paralegal

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USDC Oregon 2006 - 2008**

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Anna Brown	11/22/2006	For Sanctions re motion to compel	\$160.00	Molly Marcum		1983
		Renteria v. Oyarzun and Good Samaritan CV 05-392-BR (Fee reduced for excessive time)	\$125.00	\$125.00	Devon Newman	2001
Anna Brown	12/13/2006	Insurance contract claim	\$325.00	Scott Kaplan		1991
		Good Shepherd Health Care v Travelers Casualty CV 05-1683-BR (This resolved by settlement so court did not determine amount of fees - initial fees were denied)		\$215.00	Kristen Sterling \$160.00 \$65.00	2003 Paralegal Proj Asst
Paul Papak	1/12/2007	Breach of Contract Acradyne Corp, et al. v. Euro- Herramientas CV 04-1526PK	No rate listed just says it's "reasonable for area"			
Janice Stewart	1/30/2007	Interference with inheritance Hutchens v Hutchens-Collens CV-04-281-ST (All fees denied - not allowed - but discusses costs)	\$200.00	Requested		
Anna Brown	3/1/2007	Copyright infringement	\$289.00	William O. Geney	+ 2 others	1983
		Marilyn Olson v. Tenney & Kaker Book House 05-CV-1296-BR (Reduced by 40% for duplication of effort by attys)	\$208.00	\$310.00	Michael King + others \$253.00	1983 1997 2002
				\$174.00		2005
Michael Mosman	3/9/2007	Job Discrimination (Employment)	\$325.00	Craig Crispin		1985
		Halseth v. B.C. Towing, Inc. CV 04-1409-MO (Jury verdict for plaintiff- No objection to petitions - Awarded \$115,412 fees)		\$250.00	Assoc \$95.00	Paralegal

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Paul Papak	3/15/2007	Civil Rights	\$300.00	Thomas Spaulding		1985
		Galdamez v. Potter (Postal Service)	\$220.00	Craig Cordon		1982
		CV 00-1768-PK (Reduced fees by 40% did not prevail at 1st trial)	\$250.00	Mitra Shahri		2002
Robert E. Jones	4/2/2007	Employment	\$225.00	Elizabeth Farrell		2001
		Nielsen v. New Cingular wireless PCS CV 05-320-JO (reduced by 20%)				
Janice Stewart	4/10/2007	Copyright infringement	\$242.07	Sand	Campbell	1978
		Partner Connections LLC v. NCH Partners et al. CV-05-605-ST (Used OSB survey + % for inflation)		\$248.36	Sand	1977
					\$153.56	2002
Paul Papak	5/23/2007	Employment discrimination	\$300.00	Tom Spaulding		1985
		Gladamez v. Potter (Postmaster)		\$220.00	Craig Cordan	1982
		CV 00-1768-PK (Reduced for excessive time)				
Michael Mosman	7/11/2007	Defamation and false light	No hourly rates listed			
		Northon v. Ann Rule CV06-851-MO (Was reduced by 4/5 primarily due to excessive billing) Awarded \$40,000				
Garr King from Papak	7/11/2007	ERISA	\$300.00	Daniel Ricks		1978 & 1977
	from 6/22/07 findings	Rita Strand v. Automotive Machinists Pension Trust CV 06-1193-PK (Discussion in findings re use of survey - awarded \$45,068.33)		\$240.00	Melissa Kelleigh	2002
				\$80.00		Paralegal

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Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
John Jelderks	10/9/2007	Contract and Copyright Infringement	\$300.00	Kenneth Davis II		1997
		Dunn & Fenley v. Allen Eye Care Assoc.				
		02-1750-JE Awarded \$177,681 fees			\$85.00	Paralegals
Dennis Hubel	10/10/2007	Patent Infringement	\$320.00	Scott Eads		1991
		Relion v. Hydra Fuel Cell CV 06-607-HU				
		(Awarded a lump sum for partial request and granted one request hourly) Awarded \$7,396				
Donald Ashmanskas	1/9/2008	Fair Labor Wage Claim	\$250.00	Michael Merchant	varied from \$215- \$250	1988
		Monte Scott v American United Life Insurance CV 05-1215-AS			Kelly Tilden	2001
		(Requested \$71,233.50 awarded flat fee of \$30,000 due to apportionment on claims)			\$130.00	Law clerk